

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - * **Petitions if any.**
 - * **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Wednesday, April 3, 2013

Place: Capitol

Time: 4:25 PM

Room: 350

BILLS and RESOLUTIONS HEARD:

HB 87 - Provide state insurance commissioner with health insurance rate review authority -
Rep. Jeffrey Welborn

HJ 16 - Interim study of state-operated public institutions - Rep. Jennifer Eck

SB 409 - Generally revise laws related to conversion of nonprofit health entities - Sen. Cliff
Larsen

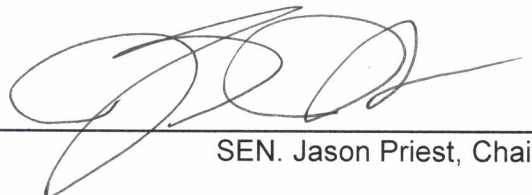
EXECUTIVE ACTION TAKEN:

HB 87 - Tabled

HJ 16 - Be Concurred In

SB 409 - Tabled

Comments:

A handwritten signature in black ink, appearing to read 'JP', is written over a horizontal line.

SEN. Jason Priest, Chair

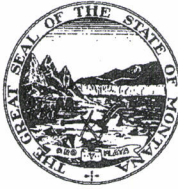
MONTANA STATE SENATE

Roll Call

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE: April 3, 2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN JASON PRIEST	✓	
VICE CHAIRMAN TERRY MURPHY	✓	
SENATOR MARY CAFERRO	✓	
SENATOR GREG JERGESON	✓	
SENATOR FRED THOMAS		✓
SENATOR DAVE WANZENRIED	✓	
SENATOR ART WITTICH		✓



SENATE STANDING COMMITTEE REPORT


April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **House Joint Resolution 16** (third reading copy -- blue) **be concurred in.**

Signed: _____


Senator Jason Priest, Chair

To be carried by Senator Terry Murphy

- END -

Committee Vote:

Yes 4, No 0

Fiscal Note Required ☐

BILL TABLED NOTICE

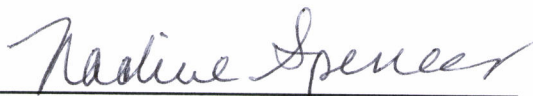
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

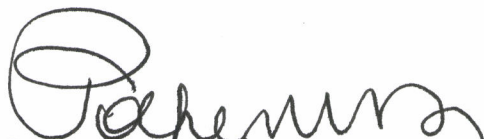
The **SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE** TABLED

HB 87 - Provide state insurance commissioner with health insurance rate review authority - Rep. Jeffrey Welborn

SB 409 - Generally revise laws related to conversion of nonprofit health entities - Sen. Cliff Larsen

by motion, on **Wednesday, April 3, 2013** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)
7am 4/4
(Time) (Date)

April 4, 2013 (6:59am)

Nadine Spencer, Secretary

Phone: 444-1619

MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 4/3/2013 BILL NO HB 87 MOTION NO _____

MOTION: Be Concurred In

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN JASON PRIEST		✓	
VICE CHAIRMAN TERRY MURPHY		✓	
SENATOR MARY CAFERRO	✓		✓
SENATOR GREG JERGESON	✓		
SENATOR FRED THOMAS		✓	✓
SENATOR DAVID WANZENRIED	✓		✓
SENATOR ART WITTICH		✓	

3 / 4

MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 4/3/2013 BILL NO ~~HB 116~~ SB 409 MOTION NO _____

MOTION: Do Pass

<u>NAME</u>	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN JASON PRIEST		✓	
VICE CHAIRMAN TERRY MURPHY		✓	
SENATOR MARY CAFERRO	✓		✓
SENATOR GREG JERGESON		✓	
SENATOR FRED THOMAS		✓	✓
SENATOR DAVID WANZENRIED		✓	✓
SENATOR ART WITTICH		✓	

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SENATE PROXY

I, Senator Fred Thomas, hereby authorize Senator Larry Murphy to vote my proxy before the Senate PUBLIC HEALTH, WELFARE & SAFETY meeting held on _____, 2013.

Fred Thorne
Senator Signature

4-3-2013
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Dave Wanzenried, hereby authorize Senator Greg Jengeson to vote my proxy before the Senate PUBLIC HEALTH, WELFARE & SAFETY meeting held on 4/3/13, 2013.

UNIVERSITY

Senator Signature

4/3/13
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

1894

1895

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1901

SENATE PROXY

I, Senator Mary Caferro, hereby authorize Senator Vergeson to vote my proxy before the Senate PUBLIC HEALTH, WELFARE & SAFETY meeting held on 4/3/13, 2013.

May M. Cefano
Senator Signature

4/5/13
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Wednesday, April 3, 2013

HB 87 - Provide State Insurance Commissioner with Health Insurance Rate Review Authority

Sponsor: Rep. Jeffrey Welborn

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Joy Brack	AARP MONTANA	X		
John BARROWS	MT Newspaper Assoc	x		
Jessica Nolan	MT Chamber	X		
Bruce Spencer	ADIP	x		
Paul Goshin	Pacific South	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Wednesday, April 3, 2013

HJ 16 - Interim Study of State-Operated Public Institutions

Sponsor: Rep. Jennifer Eck

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Matt Kuntz	NAMI Montana	✓		
Deborah Swingley	MT Council on DD	✓		
Charlie Briggs	Easter Seals-Goodwill	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

For HJ 16 - 4.3.13

**ADDITIONAL
DOCUMENTS**

April 1, 2013

Dear Members of the Public Health, Safety, and Welfare Committee,

I am writing in support of HJ 16. The study of the mental institutions is long overdue. My son texted a girl, who had a restraining order against him, while in a bi-polar episode and this, threw him into the criminal arena with a stalking charge. Consequently, we have learned first-hand of the dysfunction between the mental health, justice, and corrections systems. The idea that a person would serve 45 days of lockdown evaluation, 9 months of probation, 23 days of house arrest, 7 days of 2hr's/day of freedom, 3 weeks of 4 hrs. / Day of freedom, 6 months of treatment home stay, and a whopping 15 months of imprisonment in the state's extreme mental forensic unit for this charge produces cries of unjust treatment from everyone that reviews this case. But, it happened to my son under the DPHHS and Montana DOC system in the years 2011-2013. This case probably cost our state \$450,000.

This case is of interest because the patient/criminal involved did not have a criminal history or intent, was a college educated pilot with a calm controlled personality, who did not fight back against injustice, and had genuine remorse and the desire to take responsibility for his transgression. He had impeccable behavior as documented in the patient care record on the unit, in the treatment home, and on probation, but this fact did not help decrease his punishment. His medical condition was a factor for the first month of his hospital stay when he was taken off a medication that was actually causing mental confusion, the inability to read, and delusions. The correct medication was started and he was stabilized throughout the entire ordeal, but that didn't help him progress in the obsolete treatment plan either.

The judge had included statute 46-14-312 in my son's sentencing order, but the social worker on the forensics' unit had never seen it used in the 39 years of her employment on the unit. Despite pressure to everyone from the Governor, to Senator Tester, to Senator Shockley representing the Interim Law and Justice Committee, to Paulette Korman the DPHHS lawyer, to the Board of Visitor lawyer Craig Fitch, to everyone at DPHHS from Division head Anna Sorrell -Whiting down to the lowest aide on the unit, the worthless statute remains unused at the Montana State Hospital Forensic unit despite that judges all over the state believe that it is being used to treat their constituents fairly. SB 76 of the 62nd session was used as a housekeeping bill for the DPHHS instead of helping the patients utilize this statute. Total disregard of a judge's order is usually tolerated, but accepted in this case. In the meantime, the hospital charged the state \$255,000 towards their bloated budget for his stay. (Their census is averaging 150, but their budget allotment is for 180 patients. The recidism rate is 60% for the prison crew and there are solutions for that, too, but it requires money to the community instead of to obsolete institutions. One travel nurse referred to the MSH as an expensive homeless shelter.)

How many errors are allowed before it needs to be investigated for fraud, inept personal or plain bureaucratic apathy? My son's case had erroneous police documentation, a defense attorney that didn't understand the consequences of a client being sentenced to DPHHS- the plea bargain had to be upgraded to a felony and the person had to be institutionalized for 25% of their sentence (inside agreement with DOC that supersedes a judge's order), entire court record disappeared, clerical error requiring an extra 51 days of probation (flippant answer was "human error- no way to correct it"),

totally obsolete hospital treatment modalities, subjective decisions on the part of the person administering treatment on when a person is "well" that is determined more by their financial desire to keep an easy keeper than by what is good for the patient's recovery with No oversight. Each program starting a person off at the bottom, even with lock-up despite that their mental condition has been stabilized for over a year. The inability to clarify a judge's order without an entire court date costs unnecessary lock-up time. No respect between departments- probation, MSH, Police Dept., Community Transition Parole, Treatment Home, Mental Health Center and poor communication between them all. Social Security allowed to have a person needing help to pay for medications "on their radar" from 2006 to 2010. That's a long time to leave a case waiting. Power pulls within the departments that affect people's lives. We accept the fact that they are warehousing people for 3-6 months of extra incarceration, while waiting for a treatment bed. All fixable problems! All causing my son to lose 2 1/2 years of his life in a bueracracy that no one is proud of. All problems costing the tax payers' dollars.

Yes, I think that the costs should be studied. Did I mention that the girl also reported the text in Yellowstone County when she returned that afternoon to college? Thus we had two sets of defense attorney's, court dates, and probation orders for the same manic text. At least nine court appearances, two trips to MSH shackled per ambulance at \$10,000 each, 15 months in Warm Springs at \$17,000/month, one prescription at \$1200/ month (all paid out of the general fund and if he'd been in a community center Medicaid would have assisted with 60% federal funding), Probation costs, and Treatment Home \$2000/mo. They can't give me an estimate of what a day in court costs the state. The cost of a judge, bailiff, defense attorney, prosecuting attorney, stenographer, and others must be substantial.

I recognize that this is one case study and incomplete at that, but the fact that recent legislative testimony stated that 1000 of the 6000 male prisoners and 60% of the 200 female prisoners have a diagnosed mental illness at this time in our state begs for attention to the problem. All of them deal with the departments that I mentioned and most do not have a concerned judge, prosecutor, and parents. I am just a concerned nurse that is at your service as we owe it to our patients and the tax payers to do a better job.

Thank You! Janice Reichelt, R.N. B.S.N. 406-390-3668 Box 412 Malta, Mt. 59538 jreichelt@pchospital.us or janicer_pchospital@yahoo.com

P. S. On April 4, 2013 my son will drive away from the treatment home a free man. The judge appointed an appellate court lawyer who helped disentangle him from MSH and his case was re-reviewed, the felony dropped, and we were all in agreement that he should go to a treatment home to recover from the trauma of this experience. He will probably always have difficulty with post-relationship grief, but obviously he can stand pressures in other areas of life. Montana State Hospital is changing! Better Level Systems, new admission standards, de-escalation classes for the staff, increased involvement of recovering peers, quicker containment of out-of-control patients, new laws this session, and Money-Follows-The-Person funds to properly establish persons who need extra support to be successful on the outside. A true social revolution is happening. Be a part of it!

Emge, Julie

From: ED AMBERG <eamberg@bresnan.net>
Sent: Wednesday, March 27, 2013 10:05 AM
To: dan jacques; Beth Brenneman; Cape, Steve; Chr2495; Crichton, Scott; Dan Aune; Eric Griffin; Greg Jackson; Jackson Law; Janice Reichelt; Larose, Andree; Matt Kuntz; McCarthy, Charlie; Sandy Mihelish; Wilson, Jane
Subject: Re: HJ 16 - Study of State Institution Public Comment

I also hope HJ 16 passes. Montana has long needed to better develop both facility-based and community services for mentally ill offenders and to more clearly focus the purpose of state-operated services. The system that was considered adequate (at best) in the 1970's is not appropriate for our future.

I'm very convinced we can develop a system that makes better use of resources and will not be more expensive if stakeholders can be convinced to change what we have now. I think HJ 16 is a step in this process that needs to be taken.

Ed Amberg

On Wed, 27 Mar 2013 08:05:02 -0600

"dan jacques" <dpjacques1@bresnan.net> wrote:

>
>
>
>
> Patti Jacques
> 406-431-3245
> dpjacques1@bresnan.net
>
>
> --- the forwarded message follows ---

Emge, Julie

From: Dan Aune <dan@mhaofmt.org>
Sent: Wednesday, March 27, 2013 11:18 AM
To: Art Wittich; David Wanzenreid; Dennis Priest; Fred Thomas; Greg Jergeson; Emge, Julie; Mary Caferro; Terry Murphy
Subject: HJ 16 - Study of State Institutions

Dear Committee,

Thank you for your public service and willingness to take testimony on this important legislation. My name is Dan Aune, Executive Director of Mental Health America of Montana (MHA of MT). MHA of MT is a 65 year old MT mental health advocacy and education non-profit organization. We represent six affiliate chapters in MT and are an affiliate to the Mental Health America National. I represent our Board of Directors, Affiliate Chapters, and members in offering this testimony. My hope is to be at the hearing scheduled for this coming Friday. In case I am unable I wanted to offer testimony supported by MHA of MT Board of Directors, Affiliate Chapters, and members.

Please vote for HJ16 - Study of State Institutions.

Members of our board of directors, staff, and constituents make a point to visit the Montana State Hospital regularly. We do so to meet with patients, talk with staff and observe the day-to-day operations. We understand that the average daily senses is approximately 160 patients per day. We remain very concerned over the overwhelming number patients with mixed diagnosis and capacities on the forensic unit. We also are remain concerned with discharges of patients who are homeless and jobless that end up on the street or in homeless shelters.

We believe we can and should do better. I personally have researched other states (Utah, Minnesota, New Mexico, and North Dakota) and have come to understand that community-based rather than institutional based care is the path for our future. HJ 16 gives the legislature an opportunity to review the institutions, gaps in mental health services, return on investment aka recidivism, financial wins to the state and citizens by community interventions, and development of a strategic plan for our institutions and the nature of services.

Thank you - please help our people with a disease that never goes away, so they can receive treatment and recovery services.

Dan M. Aune
Executive Director
PO Box 88
Bozeman, MT 59771
(406) 587-7774 Office
(406) 595-1200 Cell
www.mhaofmt.org

"There are 86,400 seconds in a day. It's up to you to decide what to do with them." – Jimmy V

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Emge, Julie

From: dan jacques <dpjacques1@bresnan.net>
Sent: Wednesday, March 27, 2013 8:02 AM
To: Eck, Jenny; Emge, Julie
Subject: HJ 16 - Study of State Institution Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Julie, Please submit to the Senate Health, Welfare and Safety Committee today as this is my public comment for HJ 16. Thank you. Patti Jacques

Dear Committee,

Please vote for HJ16 - Study of State Institution.

MT St Hospital (MSH) ave. 160 patients per day, overwhelming number are forensic patients with no where to go in community, so they are kept at hospital or transferred to MT St. Prison (MSP) to keep MSH numbers below 189 requirement.

MSP has over 370 inmates identified having a mental illness this is over double what the St hospital houses. This does not include the ones not identified. The Warden testified at the House Judiciary committee the prison lacks adequate staff, lacks separation of facilities in housing the inmates with a mental illness - 25 total mental health beds - split between high side and low side. Lacks qualified staff to treat and to oversee the inmates with a mental illness. Inmates with a mental illness are twice more likely to be placed in isolation - I know they kept my son in isolation for over 5 months while he was psychotic - it made his mental illness worse, now he has extreme anxiety in addition to PTSD. What happened to him happens on a daily basis in the prison to the inmates with a mental illness. My son told me horror stories of inmates who are mentally ill and not receiving treatment - him for one.

Thank you - please help our people with a disease that never goes away, so they can receive treatment and recovery services.

Patti Jacques 1957 University Helena MT
406-431-3245
dpjacques1@bresnan.net